

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

AVA M. MCMAHON,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 3:07-0316
)	Judge Trauger
HERBERT and CONSTANCIA ROSS,)	
SPECIALIZED CONTRACT SERVICES,)	
RICHARD E. GOODIN, SENIOR CHIEF)	
DAN GRINDLE, and U.S. ATTORNEY (MDTN),)	
)	
Defendants.)	

ORDER

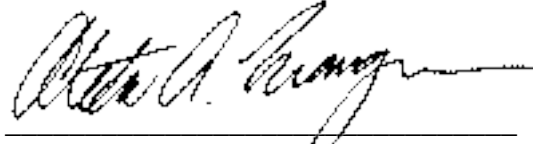
On July 5, 2007, the Magistrate Judge issued a Report and Recommendation, making several recommendations. (Docket No. 14) No timely objections have been filed. The Report and Recommendation is therefore **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, the following are hereby **ORDERED**:

1. The Motion to Substitute United States as Defendant (Docket No. 2) is **GRANTED**, and the United States of America is **SUBSTITUTED** as defendant in the place of Richard E. Goodin and Senior Chief Dan Grindle.
2. The claims against Richard E. Goodin and Senior Chief Dan Grindle are **DISMISSED**.
3. Any tort claim brought by the plaintiff against the United States of America is hereby **DISMISSED WITHOUT PREJUDICE** to any rights of the plaintiff to pursue any exhaustive administrative remedies under the Federal Tort Claims Act.
4. Any contract claim brought by the plaintiff against the United States of America is **DISMISSED WITH PREJUDICE** for failure to state a claim.
5. The United States of America is **DISMISSED** as a defendant in this case.

6. This case is **REMANDED** to the General Sessions Court of Davidson County, Tennessee, pursuant to 28 U.S.C. § 1447(d), to allow the plaintiff to pursue her claims against Herbert Ross, Constanica Ross and/or Specialized Contract Services.

It is so **ORDERED**

ENTER this 10th day of August 2007.

A handwritten signature in black ink, appearing to read 'Aleta A. Trauger', is written over a horizontal line.

ALETA A. TRAUGER
U.S. District Judge